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0.01/ A data packet multi-access communicating method and a transmitting and receiving apparatus therefor of the present invention comprise maximum rate controlling means on a mobile station side, and comprise means for extracting maximum rate control setting information out of control signals received from a base station, and the maximum rate setting information is determined by taking account of transmission condition, a demanded transmission rate and so forth of each mobile station when a base station side grasps propagation situation in which each mobile station is placed, and coding means capable of variably controlling a transmission rate in accordance with maximum rate control, and data bus switching means for controlling the input are provided, and means for inserting a continuous data content into an information header section of a transmission signal on the mobile station side is provided for demanding the continuous data content to the base station side, in case of sending a continuous data. Means for determining transmission power corresponding to a maximum rate and setting it in a modulation device is provided.